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106TH CONGRESS
1ST SESSION

S. 737

To amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to women eligible for medical assistance under the Medicaid Program.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Mr. CHAFEE (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Finance

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A BILL

To amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to women eligible for medical assistance under the Medicaid Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Planning State Flexibility Act of 1999".

SEC. 2. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO WOMEN WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following:

"STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO CERTAIN WOMEN

"SEC. 1935. (a) IN GENERAL.—Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any woman whose family income does not exceed the greater of—

"(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

"(2) the eligibility income level (expressed as a percent of such poverty line) that has been specified

1 under a waiver authorized by the Secretary or under
2 section 1902(r)(2)), as of October 1, 1999, for a
3 woman to be eligible for medical assistance under
4 the State plan.

5 "(b) COMPARABILITY.—Medical assistance described
6 in section 1905(a)(4)(C) that is made available under a
7 State plan amendment under subsection (a) shall not be
8 less in amount, duration, or scope than the medical assist-
9 ance described in that section that is made available to
10 any other individual under the State plan.

11 "(c) MAINTENANCE OF EFFORT.—No payment shall
12 be made under section 1903(a)(5) for medical assistance
13 made available under a State plan amendment under sub-
14 section (a) unless the State demonstrates to the satisfac-
15 tion of the Secretary that, with respect to a fiscal year,
16 the State share of funds expended for such fiscal year for
17 all Federally funded programs under which the State pro-
18 vides or makes available family planning services is not
19 less than the level of the State share expended for such
20 programs during fiscal year 2000.

21 "(d) OPTION TO EXTEND COVERAGE DURING A
22 POST-ELIGIBILITY PERIOD.—

23 "(1) INITIAL PERIOD.—A State plan amend-
24 ment made under subsection (a) may provide that
25 any woman who was receiving medical assistance de-

scribed in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day she becomes so ineligible.

"(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any women who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended coverage for such assistance for a succeeding 6-month period.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 1999.

SEC. 3. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking "eligible under the plan, as though" and inserting "eligible under the plan—

"(A) as though";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 1999.

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